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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,654	06/18/2001	Catherine A. Getz	DON03 P-907	1822

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EXAMINER	
PIZIALI, ANDREW T	
ART UNIT	PAPER NUMBER
1775	

DATE MAILED: 03/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/883,654

Applicant(s)

GETZ, CATHERINE A.

Examin r

Andrew T Piziali

Art Unit

1775

-- Th MAILING DATE of this communication app ars on the cover she t with th correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-12,15,17-30,32,33,51 and 52 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-6,8-12,15,17-30,32,33,51 and 52 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6, 8-12, 15, 17-30, 32-33 and 51-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims set forth physical characteristics desired in the article but fails to set forth specific compositions, which would meet such characteristics. The applicant is required to set forth specific compositions for the first, second and third layers of the multilayer stacks.

Claims merely setting forth physical characteristics desired in article, and not setting forth specific compositions which would meet such characteristics, are invalid as vague, indefinite, and functional since they cover any conceivable combination of ingredients either presently existing or which might be discovered in future and which would impart desired characteristics.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-12, 15, 17-30, 32-33 and 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,802,737 to Denton in view of the Applicant's Disclosure of Prior Art.

Regarding claims 1-6, 8-12, 15, 17-30, 32-33 and 51-52, Denton discloses an antireflection article comprising a glass or plastic substrate (column 2, lines 51-62) coated on both major surfaces with a first layer consisting of a mixture of silicon dioxide and titanium dioxide, a second layer of titanium dioxide and a third layer of silicon dioxide (column 3, line 51 through column 4, line 26 and Figure 2). Denton discloses that the article provides virtually no image reflection when used in applications such as instrument panels and for protecting artwork (column 2, lines 10-15).

Denton does not mention using the antireflective article in a touch panel, digitizer panel or an information display, but the applicant discloses that it is known to use a conductively coated antireflective stack to reduce or minimize glare in touch panels, digitizer panels and information displays (see specification page 1, lines 12-24). The examiner takes Official Notice that a thin film of indium tin oxide is well known in the art as a transparent conductive film. It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the antireflective article of Denton with a transparent conductive coating(s) such as indium tin oxide, as disclosed in the Applicant's Disclosure of Prior Art, because then the electrically conductive antireflective article may be used in applications such as touch panels, digitizer panels and information displays.

Denton does not disclose the use of different corresponding thicknesses as claimed by the applicant, but absent a showing of unexpected results it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to adjust the thicknesses of the layers, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

5. Claims 15, 22, 29-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denton in view of the Applicant's Disclosure of Prior Art as applied to claims 1-6, 8-12, 15, 17-30, 32-33 and 51-52 above, and further in view of USPN 6,411,344 to Fuji et al. (hereinafter referred to as Fuji).

Fuji discloses that it is known to coat one or both surfaces of a transparent conductively coated substrate for use in a touch panel (column 2, lines 28-37).

***Response to Arguments***

6. Applicant's arguments filed 1/14/2003 have been fully considered but they are not persuasive.

The applicant asserts that currently pending amended claims particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner respectfully disagrees. Claims 1 and 18 claim that the visible light transmission through the panel is increased compared to the substrate coated only with the transparent conductive film. It appears from the specification that this material characteristic is a result of the specific material composition of the multilayer stacks disposed on the transparent substrate surfaces. In particular, the material characteristic appears to be a result of the multilayer stack comprising a first medium refractive index layer, a high refractive index layer and finally a low refractive index layer (see page 7, lines 7-15).

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The applicant asserts "Denton fails to include film stacks on first and second sides of a substrate where the film thickness of any one of the film layers of the second stack is different from the thickness of the corresponding thin film layer of the first stack and at least one of the thin film layers of the first stack has a thickness greater than the thickness of the corresponding thin film layer of the second stack." The examiner asserts that absent a showing of unexpected results it would have been obvious to one having ordinary skill in the art at the time the invention was made to adjust the thicknesses of the layers because it is understood by one of ordinary skill in the art that the layer thicknesses determine properties such as transmittance, emissivity, and color and because it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. The applicant has failed to show unexpected results from varying the thicknesses such that any one of the film layers of the second stack is different from the thickness of the corresponding thin film layer of the first stack and at least one of the thin film layers of the first stack has a thickness greater than the thickness of the corresponding thin film layer of the second stack.

The applicant asserts "there is no motivation or suggestion for combining Applicant's Background of the Invention with the disclosure of Denton '737." The examiner respectfully disagrees. It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the antireflective article of Denton with a transparent conductive coating(s), as disclosed in the Applicant's Background of the Invention, because then the electrically conductive antireflective article may be used in applications such as touch panels, digitizer panels and information displays.

The applicant asserts "There is no teaching or suggestion in any of the references for arranging the film layers, thicknesses and material compositions as set forth by Applicant in the amended claims, especially to produce the result of increased visible light transmission of the Applicant's reduced glare conductive coated panel." The examiner respectfully disagrees. Denton teaches the currently claimed film composition and film layer arrangement which are directly responsible for increased visible light transmission of the panel.

***Conclusion***

7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

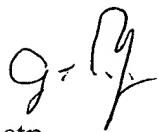
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T Piziali whose telephone number is (703) 306-0145. The examiner can normally be reached on Monday-Friday (8:00-4:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (703) 308-3822. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5665.



atp

February 27, 2003

Andrew T Piziali  
Examiner  
Art Unit 1775

  
DEBORAH JONES  
SUPERVISORY PATENT EXAMINER